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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,783	12/04/2001	Timothy E. Moses	10500.01.7101	8446
23418	7590	09/20/2005	EXAMINER	
VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			NGUYEN, MINH DIEU T	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/004,783	Applicant(s) MOSES ET AL.	
	Examiner Minh Dieu Nguyen	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8, 11-15, 24 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 11-15, 24 and 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and response dated July 7, 2005 have been entered with the amendments to claims 8, 11 and 24.

Claims 8, 11-15, 24 and 27-30 are pending.

### ***Response to Arguments***

2. Applicant's arguments, filed December 27, 2004, with respect to the rejection(s) of claim(s) 8, 12-15, 24, and 28-30 have been fully considered but they are not persuasive.

3. Applicants state that it is unable to find any reference to the monitoring or notifying of an indication of a change of the monitored certificate based on update subscription information.

The examiner maintains that the step of monitoring certificates to provide valid certificates is disclosed in col. 2, lines 57-59 as one of the conventional approach by periodically issue a list of unexpired certificates that should not be honored (i.e. monitoring is inherently understood, monitoring to provide an update); in col. 7, lines 42-61, monitoring to provide the requested information by server node and indicate it has been changed (i.e. revoked) and again in col. 8, lines 64-66 and col. 9, lines 6-8.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **8, 12-15, 24, 28-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Perlman et al. (5,687,235).

a) **As to claims 8, 13-15, 24 and 29-30**, Perlman et al. discloses a method for updating a user's list of public key certificates issued by a certification authority on a distributed communications system (Fig. 2). In the invention, a public key certification authority issues a list of the certificates that have been revoked (called a "blacklist"), either periodically or on demand, in order to allow the user to update its list (col. 6, lines 12-29). This establishes the current state of the art with regards to public key certificates and that a user updating its list of public key certificates is well known in the art (col. 7, lines 19-23). Perlman provides a facility for monitoring a specific public key certificate identified by the update subscription information, (i.e. monitoring begins after a client requests it, which corresponds to providing subscriber subject information, col. 7, lines 46-49) and indicates the user when it changes (i.e. applying to the step of generating a reply, an indication of a change while on-line, col. 7, lines 49-61).

Perlman also discloses the user updating its information based on the indication of change (col. 8, line 64 to col. 9, line 2). The method of Perlman is a procedure to be implemented by computer hardware, and therefore also comprises an apparatus.

b) **As to claims 12 and 28**, Perlman teaches necessary step to take in monitoring any certificates. In order to monitor the certificates, its value must first be known, then compared with a previously known value. To determine the value, it must be accessed on the database, which constitutes pulling it from the database (i.e. certification revocation list storage provided by certificate authority, Fig. 2).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al. (5,687,235) further in view of Van Oorschot et al. (6,229,894).

Perlman teaches the invention substantially as claimed, see the rejections of claims 8 and 24 above. Perlman discloses public key cryptography is a method of secure communications in which each principal has a public and a private key (col. 1, lines 27-64), however he does not teach an encoded message identifying the change to the public key certificate.

Van Oorschot discloses a method and apparatus for access to user-specific encryption information comprising server maintains encryption public key certificates, signature public key certificates and private decryption keys for end-users (Fig. 1) with encryption public key certificate comprises public encryption key for an end-user (col. 4, lines 14-17). For security reason, public-private key pair needs to be updated on a periodic basis (col. 6, lines 59-63, col. 7, lines 7-9). Van Oorschot also discloses encryption algorithm as a secure way of transmitting data (col. 1, lines 10-12)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement encoding message identifying the change to the public key certificate in the system of Perlman, as Van Oorschot teaches, so as to provide security against imposter on networks.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen  
Examiner  
Art Unit 2137

*mdn*  
mdn  
9/9/05

*cf. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER